

V.
Missouri Basin
Inter-Agency Committee

MISSOURI BASIN
INTER - AGENCY
COMMITTEE

Colorado
Dept. of Agriculture
Iowa
Dept. of Army
Kansas
Dept. of Commerce
Minnesota
Federal Power Comm.
Missouri

Montana
Dept. of Health,
Education & Welfare
Nebraska
Dept. of Interior
North Dakota
South Dakota
Dept. of Labor
Wyoming

Federal agencies responsible for developing projects and managing the Pick-Sloan plan had adapted the departmental model in the Missouri River basin even before Congress rejected the regional authority model. Federal Inter-Agency River Basin Committee (FIARBC) members, based in Washington, D.C., recognized that coordinated planning and conflict resolution should occur in the field. Each water-shed had different political and developmental problems. FIARBC decided to form committees in major river basins and it created the first in the Missouri basin in March 1945.¹

FIARBC established a Missouri River Basin Inter-Agency Committee (MBIAC) "to facilitate progress" on the Pick-Sloan plan and the nine-foot-deep river channel project. The committee would provide a forum for discussion and clarification of concerns in order to facilitate exchange of information, promote authorized projects, and coordinate the complex technical aspects of the vast watershed program.

MBIAC consisted originally of representatives of the Corps of Engineers, Bureau of Reclamation, Department of Agriculture, and the Fed-

eral Power Commission. In addition, the Missouri River States Committee, representing the governors of the ten basin states, was invited to provide four representatives.² When the Department of Commerce was added to the federal membership in May 1947, the states were again given equal representation. Committee membership was expanded again in March 1952 to include representatives from the Departments of Labor and Health, Education, and Welfare. In addition, all ten governors were invited to represent their states.

Although FIARBC did not include state representatives, the states participated in virtually all activities and meetings of MBIAC. They were given all membership privileges except that of chairing the committee. Initially, only the views of the federal members were considered in the regional committee's deliberations. Soon thereafter, the states became a part of MBIAC's unanimous-agreement concept.

In the critical formative years, the MRD Division Engineers served as chairmen of MBIAC. MRD even hosted the first meeting on 19 July 1945 in the Division's office in Omaha. Four federal agency representatives, four state representatives, and a few staff people attended. Before the general meeting, the federal members met to elect Brigadier General Roscoe C. Crawford, MRD Division Engineer, as the first chairman. When Brigadier General Lewis A. Pick returned from World War II to his former position in the Omaha Division office, he completed General Crawford's unexpired term and was elected to two subsequent terms as chairman. The inter-agency committee had no permanent staff. The chairman assigned agency personnel from his staff to the demanding responsibilities of committee secretary and other support staff to carry out the organization's duties.³



*B.G. Roscoe Crawford,
first chairman of MBIAC.*

Initially, the committee concentrated on exchange and dissemination of information. But conflicts arose and the committee undertook, with no direct authority, to work out solutions to various problems. In many cases, the agencies and states involved were asked to resolve the conflict and report back to the committee. Committee members realized that by

working together and communicating about one another's operations and difficulties, they could achieve coordination. If a problem could not be resolved by the members, it could be referred to an ad hoc subcommittee or to the Washington-based FIARBC.



MBIAC Meeting.

Most policy issues addressed by MBIAC had implications beyond the Missouri basin. Federal agency representatives had no authority to revise established policy in the interest of solving regional or local differences. Policy and budget considerations required that federal representatives maintain a national as well as a local perspective. They had to refrain from activities that promoted regional interests over those of the nation. The Missouri River States Committee could promote the basin's interests and engage in legislative activity whereas MBIAC could not.

MBIAC was never granted the power to make policy decisions. It was a voluntary confederation of federal agencies and states, constrained by conflicting laws and policies and practices of the members. The committee had no statutory basis, authority, budget, or staff. Its conclusions and recommendations could be implemented only by the agencies or states responsible for the issue considered.

Those who rejoiced in MBIAC's achievements were tolerant of its limitations. Supporters realized that the inter-agency committee could not resolve all significant policy issues. But some deplored MBIAC's limited role. These critics wanted the committee to have the power to act as an administrative agency with authority to resolve issues and deal with program projects and budgets. If the committee's role could not be

strengthened, they wanted it replaced by a more powerful basin entity.

The inter-agency approach and the Pick-Sloan plan have been analyzed and criticized by a diversity of interests. An Engineers Joint Council, representing the nation's engineering societies, wrote a critical report in June 1950 that concluded: "From an engineering standpoint the planning and execution of the Missouri basin program is almost entirely backward." The report charged that "A detailed and systematic inventory of the resources of the basin was not available in the planning stages" and was still lacking in 1950, six years after the plan was first presented.⁴

To these critics, the dearth of data resulted in a lack of integration: "Very serious conflicts [existed in the] jurisdiction of overlapping geographic provinces, in the allocation of available waters for various functional uses, and even in the allocation of portions of reservoirs' capacities for functional uses." The Joint Council concluded:⁵

The engineering features contained in the program were planned by various agencies restricted by law to limited objectives . . . and the needs of the basin were ignored in determining which agency would develop the water resources in a particular part of the basin.

The Engineers Joint Council echoed the statements of the Task Force on Natural Resources, appointed by the first Hoover Commission on Organization of the Executive Branch of the Government. The commission was chaired by former governor of Wyoming, Leslie A. Miller. It contracted with University of Chicago geography professor Edward A. Ackerman to prepare a study of the Missouri basin development program. Ackerman wrote in a 1949 report that the program had been "planned very nearly backward." He charged that planning for construction of big dams was done without adequate hydrologic data, that agencies engaged in little exchange of plans, and that MBIAC had no means of formulating a suitable comprehensive program.⁶

Ackerman described the committee as ineffectual and having "no authority" except for separate delegations made to agencies and states on the committee. He said that it had "no capacity of decision" within the basin because decisions related to controversial issues were referred to Washington. MBIAC had, Ackerman contended, "no staff for the study of problems concerning two or more of the programs" and it was therefore not "an agency for anticipating general problems" but only "a forum for harmonizing established programs."⁷

Ackerman's analysis of MBIAC was essentially correct. It was not conceived to regulate or mediate, nor was it established to resolve federal

jurisdictional or policy problems in the basin. MBIAC itself had no mandate to implement and enforce policies. The committee resolved inter-agency conflicts by achieving consensus through negotiation and arbitration. It served as a forum for expressing views, refining concepts, raising the consciousness of members to each others' programs, and diminishing differences and rivalries.

In 1948 and 1949, MBIAC's inter-agency role was not well understood. Agency leaders were concerned that field committees would give priority to statutory responsibilities and legislative mandates. State members were equally obligated to uphold the statutes and policies of their state governments. Clearly, federal-state relationships constrained and weakened MBIAC in achieving the degree of coordination Washington-based agency heads, field-level members, and critics desired.

The Flood Control Act of 1944 provided basin states with limited and poorly defined participation in planning and programming. Federal agencies were not compelled to modify their plans to comply with the states' recommendations. The states could take their cases before MBIAC and achieve some voluntary concessions. Otherwise, states could appeal to the congressional committees responsible for authorizations and appropriations for the protested project.

In most instances, reversing this federal-state relationship was not practicable. Most basin issues affected several states or even the entire region, and federal policy predominated. As interstate streams, the Missouri and its tributaries are of national importance. Those problems the basin committee could not solve were mostly those not affected by clearly mandated national policy.

Federal courts, upholding constitutional powers, established the supremacy of the federal government in regard to the Missouri River and its tributaries. Politically and practically, laws for the basin's water had been approved by congressmen responsible to state and local constituencies. Basin states' representatives, through the Missouri River States Committee, were active in determining the application of national policy in the region; and, through MBIAC, in coordinating and helping administer the regional Missouri basin development program. Difficulties arose when national resources policies conflicted with diverse state policies.⁸

The justifications for change put forth within MBIAC in 1949 and 1950 do not stand up to critical analysis. They actually were more a call for clarification of national water policy. In order to reform the inter-agency committee, Congress had to make some hard policy choices. At that time, no suitable and politically feasible alternatives to the inter-agency approach existed. While most of Congress understood and appre-

ciated the tasks being performed by the resources agencies, the White House wanted to assume the role.

The inter-agency approach to coordination of river basin development was scrutinized repeatedly by presidential commissions. One of these was the President's Water Resources Policy Commission established by President Truman on 3 January 1950.⁹ The commission was to deal with significant problems of national water resources policy that numerous public and private entities had been studying. But no one group had been charged with analyzing federal-state relationships, examining budgetary considerations, appraising the priority of programs from the perspective of economic and social need, or evaluating issues involving the President and Congress relative to national water resources policies.

As the commission's chairman, Truman selected Morris L. Cooke, former chairman of the Mississippi Valley Committee of the Public Works Administration and first administrator of the Rural Electrification Administration. He was an avowed advocate of regional authorities for river basin management. While the commission was empowered to examine policy issues rather than administration, it concluded that administrative changes were needed in order to deal with increasingly complex management of the nation's water resources.¹⁰

On 18 March 1950, Leland Olds, former Federal Power Commission head, serving as commissioner-in-charge of studies for the President's Policy Commission, requested that Secretary of the Army Gordon Gray prepare reports on several river basins including the Missouri. The Missouri River Division responded through OCE that the program for development of the Missouri basin presented "a minimum of major policy problems." This was due in part, according to the Corps, "to the early recognition and resolution of potential basic conflicts of interests through the voluntary activities of the Missouri Basin Inter-Agency Committee."¹¹

Even Professor Ackerman softened his criticism of the basin's resources organizations with conclusions similar to OCE's. In 1950, Ackerman was geographer-in-charge of the commission's *Ten Rivers In America's Future* volume. Referring to the Missouri basin, he acknowledged the coordination and cooperation among the agencies and the states. Yet the commission's report called for more and cited the problem as lack of funds rather than poor management: "In many instances, the necessary authority exists for further coordination, if budgetary needs for such work could be met and forthcoming appropriations were adequate."¹²

The commission concluded that the basin states' inability to finance their own resources agencies had hindered the development of full coor-

dination. Some of the states had failed to take advantage of opportunities created by the 1944 Flood Control Act. The states had influenced basin planning in MBIAC in direct proportion to the initiative exercised by the states' representatives on the committee.¹³

Some basin states governors gave scant attention to the multi-faceted details of basin planning and programming. Nebraska Governor Val Peterson, appearing before the President's commission at its regional hearing in Sioux City, Iowa, questioned whether it was "reasonable to expect a governor to spend the time required in relationship to his other duties" on basinwide resources problems. Although Peterson believed MBIAC and the states' members were doing an adequate job during the construction stage, he was apprehensive about their effectiveness in the operational phase.¹⁴



Nebraska Governor, Val Peterson.

The 1950 commission concluded that certain changes were necessary to make inter-agency committees effective in river basin control. Truman's Policy Commission suggested that each basin committee be "presided over by an independent chairman appointed by and responsible to the President" with an Executive Office board of review with "a broad understanding of the economic and social as well as the technical aspects of regional development." It recommended that congressional authorizations and appropriations for river basin planning and development should be revised to "fit the new approach."¹⁵

The President's commission asserted that establishing a river basin commission could be "considered an essential first step toward efficient further progress in Missouri water resources improvement." Such an organization could help integrate "federal, state, and local activities in programs of the size and complexity of those going forward in the basin."¹⁶

The President did not formally submit the Water Resources Policy Commission's report until 19 January 1953, the day before he left office. Truman's congressional and public support had eroded, and Congress would be reluctant to give any additional power to an unpopular President. Yet, Truman believed that the nation needed to reform its water

resources policy. Two presidential commissions in two years recommended administrative reorganization to provide coordinated nationwide planning, programming, and budgeting with Executive Office oversight. Truman's Water Resources Policy Commission drew up detailed recommendations for national water policies.

Truman was determined to expand the President's ability to manage the nation's resources development. The problem was in convincing Congress to accept reform that would reduce congressional power. Possibly, limiting the effort to achieve reform in a single watershed would result in congressional acceptance. Truman directed his attention to the Missouri basin.

While the President recognized the value of previous Missouri basin plans and program recommendations, he called for "a thorough reevaluation of the whole problem." Truman cited the lack of "thorough reconsideration of the plans for flood control, irrigation, navigation, and hydroelectric power development in the basin since the Congress authorized the so-called 'Pick-Sloan' plan in 1944." He said that the 1951 floods had indicated "the need for an up-to-date survey of the situation in the basin and of the present plans for the development of its land and water resources."¹⁷

On 3 January 1952, two years to the day after creation of his Water Resources Policy Commission, President Truman appointed an 11-member Missouri Basin Survey Commission (MBSC) "to study the land and water resources of the Missouri River basin, and to make recommendations for the better protection, development and use of those resources." Truman wanted the commissioners to advise the country as to the best way "to achieve an orderly, business-like development of the resources of the basin." To chair the commission, he appointed James E. Lawrence, a newspaper publisher



*James E. Lawrence, Chairman,
President's Water Resources
Policy Commission.*

from Lincoln, Nebraska. Lawrence was a long-time supporter of fellow Nebraskan, former U.S. Senator George Norris, chief advocate of the Tennessee Valley Authority. Members included MVA champions Fred

V. Heinkel, a leader of the Missouri Farmers Association and critic of the Corps' basin development plan; and U.S. Senators James E. Murray and Milton R. Young.

Truman wanted "all [those] concerned with the basin — federal, state, and local governments, and private groups and individuals" to have an opportunity to review along with the commissioners the current land and water resources program. The commissioners then would provide "an expert and authoritative judgment" on the most important steps for the future, and on which "should be taken first." The resulting commission held 17 public hearings throughout the basin, sought the counsel of the states' governors and federal officials, and listened to the views of more than 400 official and unofficial witnesses.

Truman's creation of the commission was met with criticism. Nebraska Governor Val Peterson, at the time chairman of the Missouri River States Committee, was exceedingly caustic. He said that the President's order creating the survey commission constituted "a repudiation of his own agencies working in the field and is a slap at the Missouri basin's governors who have labored tirelessly and productively." Peterson saw the threat of an administrative authority in the commission's work. "Unable to get a Missouri Valley Authority through the front door," he charged Truman was "trying it by the rear entrance."¹⁸

Others, too, saw the commission as a pretense to get a regional administrative authority established in the Missouri basin. Brigadier General Donald G. Shingler, the MRD Division Engineer, wrote to General Pick, then Chief of Engineers, on 6 June 1952 stating: "There can be little doubt the whole setup is an MVA affair." The commission had functioned for two months when Shingler charged that it was "very evident that the commission is mostly interested in the administration of the basin plan rather than the plan itself."¹⁹

Testifying before the Survey Commission, General Shingler took the offensive in defending the basin program and the Missouri Basin Inter-Agency Committee. The development program was proceeding, Shingler declared, largely "due to the effective assistance provided by the regional committee." He described MBIAC as "close to the people, nonpartisan, dominated by no special interest but concerned solely with carrying out its basic functions." He said the committee's strength was in working as it did without legal authority and relying solely on voluntary cooperation. General Shingler added that legal authority could not "decree cooperation nor compel unanimity of purpose nor tolerance of divergent viewpoints." Shingler believed in the importance of federal-state relationships functioning voluntarily and democratically in the inter-agency commit-

tee. He was concerned that MBIAC might be empowered to engage in arbitrary decisions resulting in unenforceable policies.²⁰

Governor Sigurd Anderson of South Dakota, agreed in principle with Shingler's position. Anderson called the regional inter-agency committee "the best example between levels of government" and noted that diverse and opposite interests had been represented in the committee according to the democratic process. Anderson saw no added benefits in MBIAC being "legitimized." He regretted the committee's inability to appear before Congress to present its own case.²¹

Montana Governor John W. Bonner disagreed with Governor Anderson. Bonner told the Survey Commission that the Missouri Basin Inter-Agency Committee had "no authority to say anything" and had failed to coordinate the federal agencies' plans. Bonner characterized MBIAC as "a group of governors meeting voluntarily, listening to construction reports of the federal agencies." The Montana governor told the Survey Commission that "the basin states governors had no say as to what dams [would] be built." Bonner thought MBIAC could be effective if the states were given some legal authority.²²

Gladwin E. Young, a field representative for the U.S. Department of Agriculture, told Truman's Survey Commission that a complex, comprehensive program such as that under way in the Missouri basin required "a great deal more than [could] be done by the Inter-Agency effort." Young contended that resources management and development involved legislative, budget, and appropriation coordination before field work in planning, development, and operation could be effective.²³

Most officials appearing before the President's Survey Commission agreed with Val Peterson. He maintained that the regional committee had conducted itself in a "thoroughly democratic manner" and that the members had dealt satisfactorily with problems brought before the committee. Peterson saw no sharp difference of opinion between the interests of the federal government and the states, because their goals were the same: to develop and use resources to the maximum benefit of the people.²⁴

However, Governor Peterson, like so many others who came before the President's commission at that time, was concerned about the operational stage of Missouri basin development. During the development phases, MBIAC was serving the diverse needs and interests of its members. But after the project was constructed, Peterson wanted some legally constituted body to control the developed resources in the Missouri basin.

Peterson and others closely associated with MBIAC had to consider the historic issue of federal-state relations, including the primary question of how to balance federal and state control. The federal-state issues were

especially complex because of the size and diversity of the development program, the fact that numerous states were affected, and the effects of the basin's water flowing into the lower Mississippi Valley.

Truman's Missouri Basin Survey Commission staff concurred with Governor Peterson's position that MBIAC was effective "in attempting to coordinate the respective activities of the development agencies" and in resolving disagreements and problems during the construction phase. "Something more" was required, however, "to assure full participation of all concerned in the vitally important task of deciding the direction of future basin development."²⁵

The staff was troubled by the voluntary nature of MBIAC and the seeming dominance of federal representatives. The MBSC's report also expressed concern about federal-state relationships in the basin. The staff contended that neither federal nor state representatives were in any way "bound to modify their respective program plans or to accede to [one another's] expressed desires"; the extent to which planning changes could be made depended essentially on the willingness of the federal agencies to adjust proposed developments to the states' desires. Unfortunately, the commission staff concluded, MBIAC provided "no absolute guarantee" that the states would be included in the planning and programming processes.²⁶

The commission staff optimistically reasoned that as the original Pick-Sloan plan was amended to meet more fully the needs of the basin, the states might be more likely to participate earlier in the planning process. In contrast to the situation in 1945 when the Missouri Basin Inter-Agency Committee was formed, "the states should not again be presented with a previously drawn plan for their approval or modification." Rather, by reason of representation on the committee, the states should possess the means to be "informed of proposed new developments, and thereby to inject themselves in the planning process." The President's Missouri Basin Survey Commission concluded that this would "depend on state initiative, the willingness of the federal agencies to bring the states into the planning process, and the extent that planning is actually done through the inter-agency committee."²⁷

The 11-member presidential commission agreed unanimously that a new agency was needed in the basin to direct, supervise, and coordinate land and water resources development. The commissioners put forth a plan for administration that "best fits the particular requirements of the Missouri basin and takes into account the requirements of resources planning, program execution, and operational management of facilities."²⁸ The commissioners could not agree, however, on an institutional

arrangement to best meet the basin's needs. Eight members pushed for a commission to be appointed by the President with broad powers to plan and implement a basinwide resources program. A three-member minority argued for a commission created under a state-federal compact. Under this arrangement, principal authority over federal programs would be vested in a commission controlled by the states.²⁹

Either approach would substantially reorder the Missouri basin's resources development and management. To be successful, either organization would need to exercise certain basic powers including direction over the federal agencies operating in the basin. The involvement of both the executive and congressional branches would be shifted drastically. In effect, state officers serving on the basin agency would exercise administrative supervision over agencies and officers appointed by and responsible to the federal government. The commission would prepare and submit budgets for the basinwide program. Management of costs and accounts, planning and programming, and river control operations were proposed as functions of a new basin agency. Thus, President Truman's Missouri Basin Survey Commission was proposing major revisions in national policy.

As a practical matter, any new administrative entity would have to maintain the integrity of the federal natural resources program. Administration of federal programs would have to be entrusted to federal officials — representatives of the people who provide most of the funding. The main-stem projects would have to be controlled by federal agencies responsible for ascertaining that the system-wide program was administered in the national as well as the regional interest.

Federal activity in the basin would have to be coordinated with an array of interests with diverse needs and desires. From the outset of the development plan, these diverse interests expressed a desire for state and local representation in decisionmaking that affected their land and water resources. At the time of the program's inception, no mandate dictated that those affected by a federal program must participate in its creation.

Public hearings were held in the basin and in Washington, but basin interests wanted more than the right to be heard. Under MBIAC, resources development decisionmaking seemed to be after the fact, to be more of a federal function, and offered the states and localities only advisory roles.

While Truman's Survey Commission succeeded in identifying organizational problems and principles as perceived by basin officials and the people affected, it failed to develop acceptable recommendations for a basin management organization. The report was released 12 January

1953, just eight days before President Truman was replaced by a Republican President who would be working with many new legislators in Congress. The 1952 election temporarily ended hopes for a Missouri basin organization such as proposed by Truman's Survey Commission or any acceptable alternative.



Falcon by Sallie Zydek.